

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. SOWERBY, et al.

Title: METHOD AND APPARATUS FOR MIXING
SAMPLE AND REAGENT IN A SUSPENSION
FLUID

Appl. No.: 10/550,547

International 5/7/2004

Filing Date:

371(c) Date:

Examiner: Unassigned

Art Unit: Unassigned

Conf. No.: 1920

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Stephen J. Sowerby as a joint inventor of the above-identified application even though he refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by the remaining joint inventors is included herewith. Below is a description of the pertinent facts concerning Mr. Sowerby's refusal to join in the subject application, as well as his last known address.

1. The named inventors of the above-identified application are as follows:

Stephen J. Sowerby

Graham W. Batts

Diana F. Hill

08/15/2006 MKAYPAGH 00000122 10550547

02 FC:1464

130.00 0P

2. The last known address of Stephen J. Sowerby is: 192 Balmacewen Road, Dunedin, New Zealand.
3. The following attempts were made to contact Mr. Sowerby to inform him that his signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.
 - a. On October 20, 2005, an Assignment and a Declaration complying with 37 C.F.R. § 1.63, were sent to Mr. Sowerby from Diana F. Hill, the Chief Executive Officer of Global Technologies (NA) Limited, by regular mail. Copies of the Assignment and Declaration are attached to Ms. Hill's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - b. On October 27, 2005, Ms. Hill received a letter dated October 26, 2005, from Mr. Sowerby acknowledging receipt of Ms. Hill's correspondence and requesting a copy of the patent specification. Mr. Sowerby also e-mailed a copy of the October 26 letter to Ms. Hill. Copies of Mr. Sowerby's October 26th letter and October 27th e-mail are attached to Ms. Hill's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - c. On October 28, 2005, Ms. Hill sent copies of the patent specification and a revised claim set to Mr. Sowerby by mail at his home address, as stated in Ms. Hill's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - d. On October 31, 2005, Ms. Hill received a letter of the same date from Mr. Sowerby acknowledging receipt of the patent specification and revised claim set, and refusing to sign any document relating to the patent application. A copy of the October 31, 2005, letter is attached to Ms. Hill's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - e. As of the date of this petition, no signed documents regarding the above-captioned application have been received from Mr. Sowerby.
4. Mr. Sowerby previously assigned to Global Technologies (NZ) Limited the corresponding PCT application and the originating New Zealand patent application, copies of which are attached to Ms. Hill's Statement in Support. These are submitted as *prima facie* evidence that the invention has been assigned to Global Technologies (NZ) Limited. It is further submitted that the filing of this application is necessary to preserve the rights of

Global Technologies (NZ) Limited. See MPEP § 409.03(g).

5. In view of Mr. Sowerby's written refusal to execute a declaration, the undersigned petitions the U.S. Patent and Trademark Office, in accordance with 37 C.F.R. § 1.47(a) to accept the accompanying declaration from the other joint inventors.

The fee for this Petition is \$130.00. A credit card payment for this amount is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date 10 August 2006

By R. Brian McCaslin

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5480
Facsimile: (202) 672-5399

R. Brian McCaslin
Attorney for Applicant
Registration No. 48,571

Statement of Facts in Support of Petition under 37 C.F.R. § 1.47(a)

I, DIANA F. HILL, hereby declare the following:

1. I am the Chief Executive Officer of Global Technologies (NZ) Limited ("Global Technologies") of Dunedin, New Zealand. I am also an inventor of the invention described and claimed in United States patent application number 10/550,547 ("the patent application").
2. The patent application names two other inventors: Graham W. Batts and Stephen J. Sowerby.
3. Mr. Sowerby was an employee of Global Technologies from 29 October 2001 to 13 February 2005.
4. Mr. Sowerby has refused to sign any and all documentation in relation to the patent application. In particular, he has refused to sign a Declaration and Power of Attorney form and an Assignment document.
5. Mr. Sowerby executed a deed of assignment dated 7 May 2004 in relation to the PCT patent application from which the patent application is derived. Mr. Sowerby also executed a deed of assignment dated 16 May 2003 in relation to the originating New Zealand patent application which is the priority application for the patent application. Copies of both deeds of assignment are attached.
6. On 20 October 2005, I sent an Assignment document and a Declaration and Power of Attorney document to Mr. Sowerby by regular mail to his home address of 192 Balmacewen Road, Dunedin, New Zealand. Copies of the Assignment and the Declaration and Power of Attorney are attached.
7. On 27 October 2005, I received a letter dated 26 October 2005 from Mr. Sowerby acknowledging receipt of my letter of 20 October 2005 and requesting a copy of the patent specification. A copy of the 26 October letter is attached. Mr. Sowerby also emailed me a copy of the 26 October letter. A copy of the email is attached.
8. On 28 October 2005, I sent a copy of the patent specification and a revised claim set to Mr. Sowerby by mail to Mr Sowerby's home address.
9. On 31 October 2005, I received a letter of the same date from Mr. Sowerby acknowledging receipt of the patent specification and revised claim set, and refusing to sign any documents relating to the patent application. A copy of the letter is attached.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are

Serial No. 10/550,547

Atty. Dkt. 061967-0102

punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

23 Dec 2005
Date

DIANA F. HILL
DIANA F. HILL

COPY

DEED OF ASSIGNMENT

THIS DEED made effective as of the 7th day of May 2004

BETWEEN **STEPHEN J SOWERBY**, a New Zealand citizen of 192 Balmacewen Road, Dunedin, New Zealand; and
GRAHAM W BATTS, a New Zealand citizen of 49 Royal Terrace, Dunedin, New Zealand; and
DIANA F HILL, a New Zealand citizen of 11 Chamberlain Street, Dunedin, New Zealand
(the Assignors)

AND **GLOBAL TECHNOLOGIES (NZ) LTD**, a New Zealand company of Floor 1, 218 George Street, Dunedin, New Zealand
(the Assignee)

WHEREAS the Assignors are the inventors of an invention entitled **METHOD OF SAMPLE PROCESSING AND APPARATUS THEREFOR** (the Invention), which is the subject of PCT Application No. PCT/NZ04/000086 (the PCT Application).

AND WHEREAS the Assignors have agreed with the Assignee that their whole right, title and interest to and in the Invention and the PCT Application is vested in the Assignee, including any copyright or like rights (the Copyright) relating to the Invention.

AND WHEREAS the Assignors agree that their whole right, title and interest to and in any patent application filed in any country of the world and any Letters Patent issued thereon for the Invention is vested in the Assignee (the Foreign Rights).

AND WHEREAS the parties wish to confirm this in writing and for the consideration herein stated.

NOW THIS DEED WITNESSES that in consideration of the sum of one dollar (\$1.00) paid by the Assignee to the Assignors, the receipt of which the Assignors hereby acknowledge.

THE ASSIGNORS DO HEREBY ASSIGN and transfer unto the Assignee the whole right, title and interest to and in the Invention and the PCT Application and any Letters Patent granted thereon, the Foreign Rights, and the Copyright, and to the use of the Assignee and the Assignee's successors and assign absolutely.

AND THE ASSIGNORS AGREE to do all such things and to execute without further consideration any and all documents necessary to enable the Assignee to pursue all its rights to which it is entitled by virtue of this deed.

IN WITNESS WHEREOF the Assignors and the Assignee each have executed this deed to be effective as of the date mentioned above.

STEPHEN J SOWERBY



 Witness

M. S. BYERS

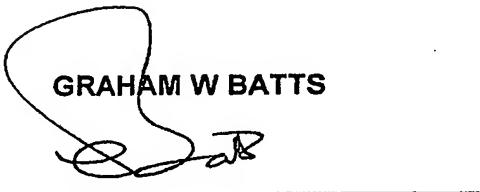
Name (in Capitals)

52 ORBELL STREET,

Address

DUNEDIN.

GRAHAM W BATTES



 Witness

M. S. BYERS

Name (in Capitals)

52 ORBELL STREET, DALMORE,

Address

DUNEDIN.

DIANA F HILL

Diana HillM. S. BYERS
WitnessM. S. BYERS
Name (in Capitals)52 ORBELL STREET,
AddressDUNEDIN.

GLOBAL TECHNOLOGIES (NZ) LTD

Diana Hill
Authorised OfficerM. S. BYERS
WitnessDiana Hill
Name (in Capitals)M. S. BYERS
Name (in Capitals)CEO
Title52 ORBELL STREET, DALMORE
AddressDUNEDIN

PTASS4017593

100371415_1

COPY

DEED OF ASSIGNMENT

THIS DEED made effective as of the 16th day of May 2003

BETWEEN **STEPHEN J SOWERBY**, a New Zealand citizen of 192 Balmacewen Road, Dunedin, New Zealand;

GRAHAM W BATTS, a New Zealand citizen of 49 Royal Terrace, Dunedin, New Zealand; and

DIANA F HILL, a New Zealand citizen of 11 Chamberlain Street, Dunedin, New Zealand,

(the "Assignors")

AND **GLOBAL TECHNOLOGIES (NZ) LTD**, a New Zealand company of Floor 1, 218 George Street, Dunedin, New Zealand.

(the "Assignees")

WHEREAS the Assignors are the inventors of an invention entitled **METHOD OF SAMPLE PROCESSING AND APPARATUS THEREFOR** (the "Invention"), which is the subject of New Zealand Patent Application No. 525969 (the "Patent Application").

AND WHEREAS the Assignors have agreed with the Assignee that their whole right, title and interest to and in the Invention and the Patent Application is vested in the Assignee.

AND WHEREAS the Assignors agree that their whole right, title and interest to and in any patent application filed in any country of the world and any Letters Patent issued thereon for the Invention is vested in the Assignee, including the right to claim priority from the Patent Application under the Paris Convention, the PCT or any other treaty to which New Zealand belongs (the "Foreign Rights"), and including any copyright in any original artistic and literary works related to the Invention (the "Copyright").

AND WHEREAS the parties wish to confirm this in writing and for the consideration herein stated.

COPY

NOW THIS DEED WITNESSES that in consideration of the sum of one dollar (\$1.00) paid by the Assignee to the Assignors, the receipt of which the Assignors hereby acknowledges.

THE ASSIGNORS DO HEREBY ASSIGN and transfer unto the Assignee their whole right, title and interest to and in the Invention and the Patent Application and any Letters Patent granted thereon, to and in the Foreign Rights, and in the copyright, and to the use of the Assignee and the Assignee's successors and assigns absolutely.

AND THE ASSIGNORS AGREE to do all such things and to execute without further consideration any and all documents necessary to enable the Assignee to pursue all its rights to which it is entitled by virtue of this Agreement.

IN WITNESS WHEREOF the Assignor and the Assignee each have executed this deed to be effective as of the date mentioned above.

STEPHEN J SOWERBY



J e McNaughton

Witness

J. C. McNAUGHTON
Name (in Capitals)

77 CLIFFS ROAD
Address

DUNEDIN

N.Z.

GRAHAM W BATT



Joanne Atherton

Witness

JOANNE A THERTON
Name (in Capitals)

1032 MT CARGILL ROAD
Address

WAITATI, OTAGO, NZ

DIANA F HILL

Diana F HillJ. Allen

Witness

JOANNE A THERTON
Name (in Capitals)1032 MT CARGILL ROAD
AddressWAITATI, OTAGO

GLOBAL TECHNOLOGIES (NZ) LTD

Diana F Hill

Authorised Officer

J. Allen

Witness

Diana Hill

Name (in Capitals)

JOANNE A THERTON

Name (in Capitals)

CEO

Title

1032 MT CARGILL ROAD

Address

WAITATI, OTAGO

PTASS3669547

100165264_1

ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor (hereinafter referred to singly and collectively as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Global Technologies (NZ) Ltd.
Floor 1, 218 George Street
Dunedin, New Zealand

(hereinafter referred to as "ASSIGNEE") its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions in and to this invention relating to

METHOD AND APPARATUS FOR MIXING SAMPLE AND REAGENT IN A SUSPENSION FLUID

as set forth in this United States Patent Application

Check one

- executed concurrently herewith
- executed on _____
- Serial No. 10/550,547 Filed September 26, 2005 and

as well as in and to (a) all improvements and modifications of the above-identified invention or inventions, (b) the above-identified application and all other applications for Letters Patent of the United States for above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its

successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of **Foley & Lardner LLP** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Foley & Lardner LLP** do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

NAME AND SIGNATURE OF INVENTOR

NAME: STEPHEN J. SOWERBY SIGNATURE: _____
DATE: _____

NAME AND SIGNATURE OF WITNESSES

NAME: _____ SIGNATURE: _____
DATE: _____

NAME: _____ SIGNATURE: _____
DATE: _____

NAME AND SIGNATURE OF INVENTOR

NAME: GRAHAM W. BATT SIGNATURE: _____
DATE: _____

NAME AND SIGNATURE OF WITNESSES

NAME: _____ SIGNATURE: _____
DATE: _____

NAME: _____ SIGNATURE: _____
DATE: _____

NAME AND SIGNATURE OF INVENTOR

NAME: DIANA F. HILL SIGNATURE: _____
DATE: _____

NAME AND SIGNATURE OF WITNESSES

NAME: _____ SIGNATURE: _____
DATE: _____

NAME: _____ SIGNATURE: _____
DATE: _____

Note: *Prima facie* evidence of execution may optionally be obtained by execution before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR MIXING SAMPLE AND REAGENT IN A SUSPENSION FLUID

(Attorney Docket No. 061967-0102)

the specification of which (check one)

 is attached hereto.

X was filed on September 26, 2005 as U.S. Application Number 10/550,547 and was amended on September 26, 2005.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
NZ 525969	New Zealand	May 16, 2003	Yes	No

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
	PCT/NZ2004/000086	May 7, 2004	

I HEREBY APPOINT the registered attorneys and agents at Customer Number
22428

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Richard C. Peet
FOLEY & LARDNER LLP
Customer Number: 22428

Telephone: (202) 672-5483
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Stephen J. SOWERBY
Residence	Dunedin, New Zealand
Citizenship	New Zealand
Post Office Address	192 Balmacewen Road Dunedin, New Zealand
Inventor's signature	
Date	

Name of second inventor

Graham W. BATTs

Residence

Dunedin, New Zealand

Citizenship

New Zealand

Post Office Address

49 Royal Terrace

Dunedin, New Zealand

Inventor's signature

Date

Name of third inventor

Diana F. HILL

Residence

Dunedin, New Zealand

Citizenship

New Zealand

Post Office Address

11 Chamberlain Street

Dunedin, New Zealand

Inventor's signature

Date

Stephen J Sowerby
192 Balmacewen Road
Dunedin
Ph 467 2888

26 October 2005

Diana Hill, CEO
Global Technologies (NZ) Ltd
PO Box 941
218 George Street
Dunedin

Dear Diana,

Thank you for the correspondence, postmarked 20.10.05, regarding the Roger US Patent application. I am pleased to see that you intend proceeding with United States national patent entry with the art that I principally developed "METHOD AND APPARATUS FOR MIXING SAMPLE AND REAGENT IN A SUSPENSION FLUID". I would be delighted to assist with the full filing of this specification 10/550,547.

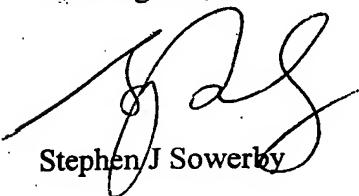
I have carefully read the documents enclosed with your correspondence, however, there are three issues that need to be raised before I can proceed.

1 The Declaration and Power of Attorney Document (ATT. Dkt. No. 061967-0102) requires that I have reviewed and understood the specification including the claims and any amendments to the claims, and pursuant to this are a number of declarations that are legally binding and for which I may be held legally accountable. I must have a copy of the specification (10/550,547) sent to me.

2 The Assignment document (ATT. Dkt. No. 061967-0102) is a transfer of intellectual property rights in addition to the assignment rights that I have already transferred to you as an employee of Global Technologies. This additional document would require me as "Assignor" to commit an ongoing service to the Assignee or its agents. Nothing at this stage compels me to embark on such an undertaking.

3 Further to issue 2, your obligations under my employment contract (Schedule 1) for discovery incentives for art that I have developed have not been met. This is an appropriate juncture for your obligations to me to be addressed.

Kind regards,



Stephen J Sowerby

Subject: Roger patent
Date: Thursday, October 27, 2005 9:49 AM
From: Stephen Sowerby <stephen@australo.com>
To: <diana@glotec.co.nz>
Conversation: Roger patent

Hi Diana,

I am emailing you a copy of the letter that I sent by registered courier yesterday regarding your request for me to sign off on the Roger patent.

Cheers, Stephen.

Stephen J Sowerby, PhD
Australo Limited
PO Box 21, Dunedin
New Zealand

Tel 64 3 477 6063
Fax 64 3 477 6065
Mob 021 144 4060
Email stephen@australo.com
URL www.australo.com

The logo for Australo, featuring the word "AUSTRALO" in a bold, sans-serif font. A small graphic of a stylized sun or gear is positioned to the right of the letter "o".

Stephen J Sowerby
2005
192 Balmacewen Road
Dunedin
Ph 467 2888

26 October

Diana Hill, CEO
Global Technologies (NZ) Ltd
PO Box 941
218 George Street

Dunedin

Dear Diana,

Thank you for the correspondence, postmarked 20.10.05, regarding the Roger US Patent application. I am pleased to see that you intend proceeding with United States national patent entry with the art that I principally developed "METHOD AND APPARATUS FOR MIXING SAMPLE AND REAGENT IN A SUSPENSION FLUID". I would be delighted to assist with the full filing of this specification 10/550,547.

I have carefully read the documents enclosed with your correspondence, however, there are three issues that need to be raised before I can proceed.

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- 2 The Assignment document (ATT. Dkt. No. 061967-0102) is a transfer of intellectual property rights in addition to the assignment rights that I have already transferred to you as an employee of Global Technologies. This additional document would require me as "Assignor" to commit an ongoing service to the Assignee or its agents. Nothing at this stage compels me to embark on such an undertaking.
- 3 Further to issue 2, your obligations under my employment contract (Schedule 1) for discovery incentives for art that I have developed have not been met. This is an appropriate juncture for your obligations to me to be addressed.

Kind regards,

Stephen J Sowerby

Stephen J Sowerby
192 Balmacewen Road
Dunedin
Ph 467 2888

31 October 2005

Diana Hill, CEO
Global Technologies (NZ) Ltd
PO Box 941
218 George Street
Dunedin

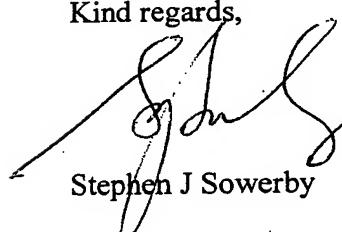
Dear Diana,

Thank you for the copy of PCT/NZ2004/000086 including revised claims for the USA. I have reviewed the specification and can see no technical impediment to signing the Declaration and Power of Attorney Document (ATT. Dkt. No. 061967-0102).

However, before I am prepared to sign any documents the issue of your obligations to me under my employment contract (Schedule 1) for Discovery Incentives for intellectual property (IP) that I have developed must be addressed.

I realise that you must be under some time constraints with respect to the application timelines so I will try to expedite this process. I am prepared to not participate in any share in the value of any IP commercialisation generated from the Roger IP. This will enable you to realise the full value of the un-encumbered Roger IP. A one-off bonus of NZ \$25,000 (twenty five thousand New Zealand dollars) paid directly to me would reflect, in a small way, the enormous contribution that I have made to the Global Technologies (NZ) Ltd IP portfolio and asset base through the invention, development and protection of the Roger IP.

Kind regards,



Stephen J Sowerby